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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,937	02/28/2002	Petri Hyyppa	P3079US00	4374
30671 7590 10/28/2009 DITTHAVONG MORI & STEINER, P.C. 918 Prince St. Alexandria, VA 22314				
EXAMINER				
DOAN, PHUOC HUU				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
10/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/085,937

Applicant(s)

HYYPAA ET AL.

Examiner

PHUOC DOAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-30, 32-43, 45-50 and 52 is/are rejected.
- 7) ☒ Claim(s) 31, 44, 51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/14/2009 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 27-52 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **27-30, 32-43, 45-50, and 52** are rejected under 35 U.S.C. 102(e) as being anticipated by **McIsaac (US Pub No: 2008/0195551)**.

As to claim 27, McIsaac discloses a method, comprising: wirelessly receiving (par [67] “PDA or WEBTV, cellular telephone”, by a mobile station from a management service provider (par [69-73] “transaction system security server, merchant server, buyer's payment information server...etc.”, a message comprising control information for updating the mobile station for wirelessly conducting a transaction by the mobile station directly with a merchant (par [76-77]), wherein the merchant is independent of the management service provider (par [76-77] “mobile device initiates a connection to the merchant server system 120”); and updating the mobile station in response to receipt of the message (par [69-70,77-78] “given the information from mobile in response to receipt of the request messages; for example: merchant server, credit car server”), at the mobile station from the management service provider (par [77-78]) , and in accordance with the control information of the message, wherein, after updating, the mobile station is configured to conduct the transaction by the mobile station directly with the merchant and without the management service provider (par [76-81]).

As to claim 28, McIsaac further discloses the method of Claim 27, further comprising: attempting, by the mobile station, to conduct the transaction directly

with the merchant (par [76-77]); generating, by the mobile station in response to attempting to conduct the transaction directly with the merchant, a request for modification of the mobile station (par [76-78]); and wirelessly sending, by the mobile station to the management service provider, the request for modification (par [80-82]).

As to claim 29, McIsaac further discloses the method of Claim 27, wherein the message is wirelessly received by the mobile station without the mobile station sending a request for modification to the management service provider (par [76-77]).

As to claim 30, McIsaac further discloses the method of Claim 27, further comprising conducting the transaction by the mobile station directly with the merchant after updating the mobile station with the control information of the message from the management service provider (par [76-78, 80-82]).

As to claim 32, McIsaac further discloses the method of Claim 27, wherein the message is configured in one of the formats selected from: an electronic business card, an electronic calendar, and an electronic commerce modeling language (par [86]).

As to claim 33, McIsaac further discloses the method of Claim 27, wherein the mobile station is configured to wirelessly receive the message from the management service provider via a base station of a cellular mobile communication network of the mobile station (par [67]), and wherein the mobile station is configured to wirelessly conduct the transaction directly with the merchant by a wireless transmitter and receiver module using one of the wireless communication formats selected from: infrared and Bluetooth (par [67]).

As to claim 34, McIsaac further discloses the method of Claim 27, wherein the message comprises a dynamic template comprising the control information for updating the mobile station (par [69-70]).

As to claim 35, McIsaac further discloses the method of Claim 27, wherein the control information of the message is configured to update a dynamic template of the mobile station, and wherein updating the mobile station comprises updating the dynamic template of the mobile station in accordance with the control information of the message (par [77-78]).

As to claim 36, McIsaac further discloses the method of Claim 35, wherein, after updating, the mobile station of the mobile station is configured to conduct the transaction by the mobile station directly with the merchant and without the

management service provider by applying the dynamic template of the mobile station to a webpage of the merchant (par [69-71]).

As to claim 37, McIsaac further discloses the method of Claim 27, wherein updating the mobile station comprises updating a template configured to provide a matching between data of the mobile station and fields required by the merchant to conduct the transaction (par [77-78]).

As to claim 38, claimed is rejected for the same reasons as set forth in claim 27.

As to claim 39, McIsaac further discloses wherein the communication means comprises: an antenna means for communicating with the management service provider via a base station of a cellular mobile communication network of the apparatus to wirelessly receive the message from the management service provider (par [66-67]); and a wireless transmitter and receiver module configured to wirelessly communicate with the merchant to wirelessly conduct the transaction with the merchant (par [67, 70]).

As to claim 40, claimed is rejected for the same reasons as set forth in claim 33.

As to claim 41, McIsaac further discloses wherein the transaction data processing means is further configured to generate a request for modification of the transaction data processing means and configured to wirelessly send the request for modification to the management service provider (par [69]), and wherein the

communication means is configured to wirelessly transmit the request for modification from the apparatus to the management service provider (par [69-70]).

As to claim 42, McIsaac further discloses wherein the transaction data processing means for is configured to be updated in response to receipt of a message wirelessly received by the apparatus from the management service provider (par [75-76]).

As to claim 43, McIsaac further discloses wherein the transaction data processing means comprises a template configured to provide a matching between data of the transaction data processing means and fields required by the merchant to conduct the transaction (par [70,75]).

As to claim 45, McIsaac further discloses wherein the transaction data processing means is configured to be updated by updating the template according to the control information of the message wirelessly received from the management service provider (par [77]).

As to claim 46, claimed is rejected for the same reasons as set forth in claim 32.

As to claim 47, McIsaac further discloses wherein the message comprises a dynamic template comprising the control information for updating the transaction data processing means (par [88]), and wherein the transaction data processing

means is configured to be updated according to the control information of the dynamic template (par [90-92]).

As to claim 48, claimed is rejected for the same reasons as set forth in claim 27.

As to claim 49, claimed is rejected for the same reasons as set forth in claim 28.

As to claim 50, claimed is rejected for the same reasons as set forth in claim 30.

As to claim 52, McIsaac further discloses wherein the control information of the message is configured to update a dynamic template of the apparatus, wherein updating the apparatus comprises updating the dynamic template of the apparatus in accordance with the control information of the message (par [88]), and wherein, after updating, the apparatus of the apparatus is configured to conduct the transaction by the apparatus directly with the merchant and without the management service provider by applying the dynamic template of the apparatus to a webpage of the merchant (par [78-79]).

Allowable Subject Matter

Claims 31, 44, and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC DOAN whose telephone number is (571)272-7920. The examiner can normally be reached on 10:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUOC DOAN/
Examiner, Art Unit 2617